

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO *ex rel.*  
State Engineer,

Plaintiff,  
v.

ROMAN ARAGON, *et al.*,  
Defendants.

69cv07941-BB

RIO CHAMA STREAM SYSTEM  
Village of Chama, Section 7  
Subfile No.: CHCV-004-0004B

**CONSENT ORDER**

The Court, having considered the agreement between the Plaintiff State of New Mexico and Defendant(s):

JAMES A. HEATH

concerning the Defendant's right to use the public waters of the Rio Chama Stream System, as set forth below finds:

1. The Court has jurisdiction over the parties and the subject matter of this suit.
2. The State of New Mexico and the above-named Defendant(s) are in agreement concerning certain elements of Defendant's right to divert and use the public waters of the Rio Chama Stream System, Village of Chama, Section 7, and by their signatures appearing below, the State and the Defendant(s) have approved and accepted the elements of Defendant's water rights as set forth in paragraph 4 herein.
3. There is no just reason for delay for the entry of a final judgment as to the elements of the claims of the Defendant(s) adjudicated by this order.

4. The right of the Defendant(s) to divert and use the public waters from the Rio Chama Stream System, Village of Chama, Section 7, is set forth below:

**A. IRRIGATED LANDS (Surface Water Only):**

**Office of the State Engineer Files No(s)** NONE

**Priority:** Reserved for future determination by court order entered November 19, 2002.

**Source of Water** Surface water of the Rio Chamita, a tributary of the Rio Chama.

**Purpose of Use:** IRRIGATION

**Point of Diversion:**

**Ditch:** CHAMITA VALLEY DITCH

**Location:** X= 1,540,989 feet Y= 2,142,272 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

**Location and Amount of Irrigated Acreage:**

Within the Tierra Amarilla Grant	58.6 acres
Total	58.6 acres

As shown on the attached revised Hydrographic Survey Map for Subfile No.: CHCV-004-0004B

**Amount of Water:** Reserved for future determination by court order entered November 19, 2002.

**B. IRRIGATED LANDS (Surface Water Only):**

**Office of the State Engineer Files No(s)** NONE

**Priority:** Reserved for future determination by court order entered November 19, 2002.

**Source of Water** Surface water of the Rio Chamita, a tributary of the Rio Chama.

**Purpose of Use:** IRRIGATION

**Point of Diversion:**

**Ditch:** UNNAMED DITCH NO. 4

**Location:** X= 1,541,354 feet Y= 2,137,666 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

**Location and Amount of Irrigated Acreage:**

Within the Tierra Amarilla Grant	8.1 acres
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Total 8.1 acres

As shown on the attached revised Hydrographic Survey Map for Subfile No.: CHCV-004-0004B

**Amount of Water:** Reserved for future determination by court order entered November 19, 2002.

**C. NO RIGHT (Groundwater Only):**

**Office of the State Engineer Files No(s)** NONE

**Priority:** NONE

NONE

**Source of Water** M-B DITCH-RIO CHAMA: Surface water of the Rio Chama.

M-B DITCH-RIO CHAMITA: Surface water of the Rio Chama and the Rio Chamita, a tributary of the Rio Chama

**Purpose of Use:** NO RIGHT

**Point of Diversion:**

**Ditch:** M-B DITCH-RIO CHAMA

**Location:** X= 1,546,909 feet Y= 2,155,273 feet

**Ditch:** M-B DITCH-RIO CHAMITA

**Location:** X= 1,540,798 feet Y= 2,149,302 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

**Location and Amount of Acreage**

Within the Tierra Amarilla Grant 30.3 acres

Total 30.3 acres

As shown on the attached revised Hydrographic Survey Map for Subfile No.: CHCV-004-0004B

**Amount of Water:** NONE

5. Defendant(s) have no surface water rights in the Rio Chama Stream System, Village of Chama, Section 7, other than those set forth in this order and those other orders entered by this Court in this cause.

6. Defendant(s), his or her successors, representatives, heirs and assigns, should be enjoined from any use of the surface waters of the Rio Chama Stream System, Village of Chama, Section 7, except in strict accordance with the water rights described herein.
7. The water rights described herein, if any, are adjudicated subject to the right of any other water right claimant with standing to object prior to the entry of a final decree.

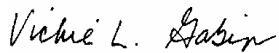
IT IS THEREFORE ORDERED that the rights of the Defendant(s) to divert and use the waters of the Rio Chama Stream System, Village of Chama, Section 7, are as set forth herein. The Defendant(s), his or her successors, representatives, heirs and assigns, are enjoined from any diversion or use of the public surface waters of the Rio Chama Stream System, Village of Chama, Section 7, except in strict accordance with the rights set forth herein or in other orders of the Court.

The Court enters this Consent Order as a final judgment as to the elements of Defendant's waters rights set forth herein, subject to the right of other claimants to file objections to individual adjudication orders, and to the entry of the final decree in this proceeding.



UNITED STATES DISTRICT JUDGE

Recommended for approval:



SPECIAL MASTER

SIGNATURE



JAMES A. HEATH

ADDRESS:

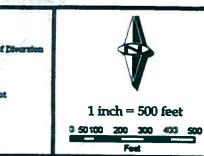
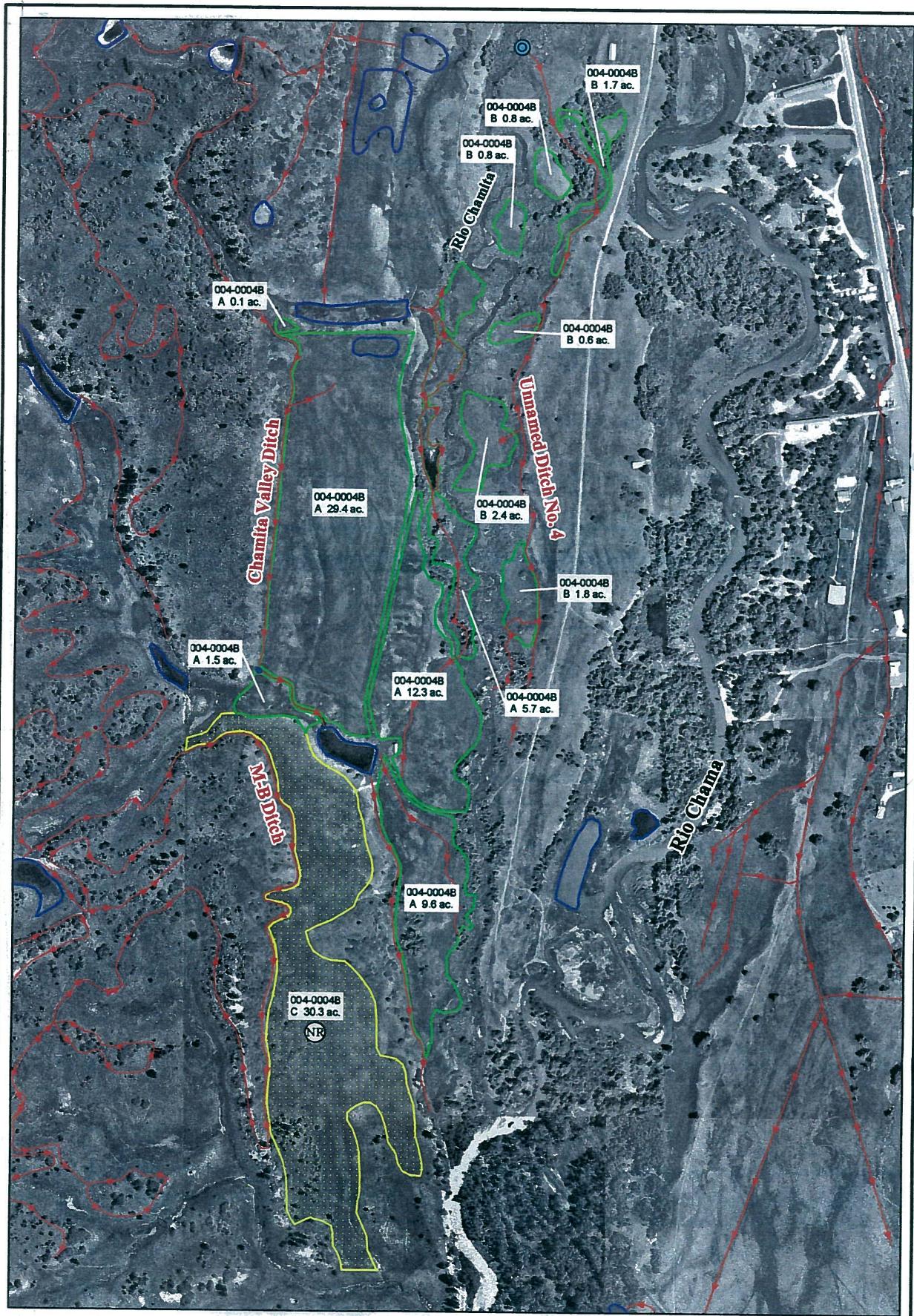
438 San Pasqual  
Santa Fe, NM 87505

DATE:

May 20, 2008

Ed Newville  
EDWARD G. NEWVILLE  
Special Assistant Attorney General

5/28/08  
Date



**STATE OF NEW MEXICO**  
 Office of the State Engineer  
 John R. D'Antonio, Jr., P.E.  
 State Engineer

Rio Chama Hydrographic Survey  
 Village of Chama Section



**Subfile Number**  
**CHCV 004-0004B**  
 Chamita Valley Ditch,  
 Unnamed Ditch No. 4  
 and M-B Ditch  
 AMENDED  
 January 2, 2008